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SEP 08 2004

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Date: 8-Sep-04

**To:** Jack Chen **Fax:** 703-872-9306 **Phone:** 571-272-1689  
United States Patent and Trademark Office

**From:** Mark V. Secley **Fax:** 408-765-7723 **Phone:** 408-765-7382

**Subject:** Amendment in Application Serial No. 10/618,226

A CONFIRMATION COPY OF THIS DOCUMENT:

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Application No.: 10/618,226  
Filing Date: July 11, 2003  
First Named Inventor: Robert Chau et al.  
Group Art Unit: 2813  
Examiner Name: J. Chen  
Attorney Docket No.: 42390.P12759

**Enclosures:**

1. Transmittal Form (1 page).
2. Fee Transmittal for FY 2004 (1 page in duplicate).
3. Response (4 pages).

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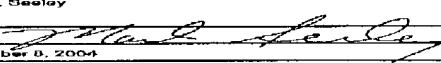
Total Number of Pages in This Submission 7

Approved for use through 07/31/2006. GMB 001-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Application Number	10/818,226
Filing Date	July 11, 2003
First Named Inventor	Robert Chau et al.
Art Unit	2813
Examiner Name	J. Chen
Attorney Docket Number	042380.P12759C

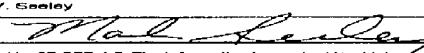
ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.63	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Request to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Remarks	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Patent and Trademark Appeals <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Mark V. Seeley
Signature	
Date	September 8, 2004

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Typed or printed name	Mark V. Seeley
Signature	
Date	September 8, 2004

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FEE TRANSMITTAL for FY 2004	
Effective 10/01/2003. Patent fees are subject to annual revision.	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 <b>TOTAL AMOUNT OF PAYMENT (\$ 0.00)</b>	

## Complete If Known

Application Number	10/818,226
Filing Date	July 11, 2003
First Named Inventor	Robert Chau et al.
Examiner Name	J. Chen
Art Unit	2813
Attorney Docket No.	042380.P12759C

## FEE CALCULATION (continued)

3. ADDITIONAL FEES																																																																																																																																			
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<table border="1"> <thead> <tr><th>Code (\$)</th><th>Code (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>66 Surcharge - late filing fee or oath</td></tr> <tr><td>1062</td><td>60</td><td>2062</td><td>25 Surcharge - late provisional filing fee or</td></tr> <tr><td>1063</td><td>130</td><td>1053</td><td>150 Non-English specification</td></tr> <tr><td>1812</td><td>2,620</td><td>1812</td><td>2,520 For filing a request for ex parte reexamination</td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920 Requesting publication of SIR prior to</td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840* Requesting publication of SIR after Examiner action</td></tr> <tr><td>1281</td><td>110</td><td>2251</td><td>65 Extension for reply within first month</td></tr> <tr><td>1262</td><td>420</td><td>2262</td><td>210 Extension for reply within second month</td></tr> <tr><td>1243</td><td>980</td><td>2253</td><td>475 Extension for reply within third month</td></tr> <tr><td>1264</td><td>1,480</td><td>2264</td><td>740 Extension for reply within fourth month</td></tr> <tr><td>1602</td><td>2,010</td><td>2255</td><td>1,005 Extension for reply within fifth month</td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165 Notice of Appeal</td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>140 Filing a brief in support of an appeal</td></tr> <tr><td>1403</td><td>200</td><td>2403</td><td>140 Request for oral hearing</td></tr> <tr><td>1454</td><td>1,610</td><td>141</td><td>1,610 Petition to institute a public use proceeding</td></tr> <tr><td>1482</td><td>110</td><td>2452</td><td>55 Petition to institute a reexamination</td></tr> <tr><td>1603</td><td>1,330</td><td>2463</td><td>665 Petition to reissue - Unintentional</td></tr> <tr><td>1601</td><td>1,330</td><td>2501</td><td>665 Utility issue fee (or release)</td></tr> <tr><td>1602</td><td>480</td><td>2902</td><td>240 Design issue fee</td></tr> <tr><td>1503</td><td>640</td><td>2503</td><td>320 Plant issue fee</td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130 Petitions to the Commissioner</td></tr> <tr><td>1807</td><td>80</td><td>1807</td><td>80 Processing fee under 37 CFR 1.17(a)</td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180 Submission of Information Disclosure Stmt</td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40 Recording each patent assignment per property (list item number or properties)</td></tr> <tr><td>1900</td><td>770</td><td>2008</td><td>365 Filing a continuation application after final rejection (37 CFR 1.129(c))</td></tr> <tr><td>1810</td><td>770</td><td>2210</td><td>385 For each additional invention to be examined (37 CFR 1.129(d))</td></tr> <tr><td>1801</td><td>770</td><td>2201</td><td>385 Request for Continued Examination (RCE)</td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900 Request for reexamination of a design application</td></tr> <tr><td colspan="4">Other fee (Specify)</td></tr> <tr><td colspan="4">*Reduced by Basic Filing Fee Paid</td></tr> <tr><td colspan="4" style="text-align: center;">SUBTOTAL (3) (\$ 0.00)</td></tr> </tbody></table>				Code (\$)	Code (\$)	Fee Description	Fee Paid	1051	130	2051	66 Surcharge - late filing fee or oath	1062	60	2062	25 Surcharge - late provisional filing fee or	1063	130	1053	150 Non-English specification	1812	2,620	1812	2,520 For filing a request for ex parte reexamination	1804	920*	1804	920 Requesting publication of SIR prior to	1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action	1281	110	2251	65 Extension for reply within first month	1262	420	2262	210 Extension for reply within second month	1243	980	2253	475 Extension for reply within third month	1264	1,480	2264	740 Extension for reply within fourth month	1602	2,010	2255	1,005 Extension for reply within fifth month	1401	330	2401	165 Notice of Appeal	1402	330	2402	140 Filing a brief in support of an appeal	1403	200	2403	140 Request for oral hearing	1454	1,610	141	1,610 Petition to institute a public use proceeding	1482	110	2452	55 Petition to institute a reexamination	1603	1,330	2463	665 Petition to reissue - Unintentional	1601	1,330	2501	665 Utility issue fee (or release)	1602	480	2902	240 Design issue fee	1503	640	2503	320 Plant issue fee	1460	130	1460	130 Petitions to the Commissioner	1807	80	1807	80 Processing fee under 37 CFR 1.17(a)	1806	180	1806	180 Submission of Information Disclosure Stmt	8021	40	8021	40 Recording each patent assignment per property (list item number or properties)	1900	770	2008	365 Filing a continuation application after final rejection (37 CFR 1.129(c))	1810	770	2210	385 For each additional invention to be examined (37 CFR 1.129(d))	1801	770	2201	385 Request for Continued Examination (RCE)	1802	900	1802	900 Request for reexamination of a design application	Other fee (Specify)				*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$ 0.00)			
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SUBMITTED BY	
Name (Print/Type)	Mark V. Seeley
Signature	
Registration No. (if applicable)	32,299
Telephone	408-765-7382
Date	September 8, 2004

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$0.00)

## Complete If Known

Application Number	10/618,226
Filing Date	July 11, 2003
First Named Inventor	Robert Chau et al.
Examiner Name	J. Chen
Art Unit	2813
Attorney Docket No.	042390.P12759C

## METHOD OF PAYMENT (check all that apply)

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## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 85	2051 85	Surcharge - late filing fee or oath	
1052 60	2052 25	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	1053 130	Non-English specification	
1012 2,520	1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 020*	1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1806 1,840*	1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	2251 55	Extension for reply within first month	
1252 420	2252 210	2252 210	Extension for reply within second month	
1253 950	2253 475	2253 475	Extension for reply within third month	
1254 1,480	2254 740	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	2401 165	Notice of Appeal	
1402 330	2402 165	2402 165	Filing a brief in support of an appeal	
1403 280	2403 145	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	1451 1,510	Petition to Institute a public use proceeding	
1452 110	2452 55	2452 55	Petition to revive - unavoidable	
1453 1,930	2453 665	2453 665	Petition to revive - unintentional	
1501 1,330	2501 685	2501 685	Utility issue fee (or release)	
1502 480	2502 240	2502 240	Design issue fee	
1503 840	2503 320	2503 320	Plant issue fee	
1460 130	1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
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1810 770	2810 385	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	1802 900	Request for expedited examination of a design application	

SUBTOTAL (1) (\$0.00)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims	2	-20** = 0	X 18	-0
Independent Claims	1	-3** = 0	X 86	-0
Multiple Dependent			280	-0

SUBTOTAL (2) (\$0.00)

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Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$0.00)

(Complete if applicable)				
Name (Print/Type)	Mark V. Seeley	Registration No. (Attorney/Agent)	32,299	Telephone 408-765-7382
Signature	<i>Mark V. Seeley</i>	Date	September 8, 2004	

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Mark Seeley  
Name of Person Sending Facsimile

Mark Seeley  
Signature

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SEP 08 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Robert Chau et al. }  
Serial No.: 10/618,226 }  
Filed: July 11, 2003 }  
For: A METHOD FOR MAKING }  
A SEMICONDUCTOR }  
DEVICE HAVING A }  
HIGH-K GATE DIELECTRIC }

Examiner: J. Chen

Art Unit: 2813

Attorney Docket No: P12759C

Which is a Continuation of Application: Serial No.: 10/082,530 }  
Filed: February 22, 2002 }

Examiner: C. Lee

Art Unit: 2825

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE

Sir:

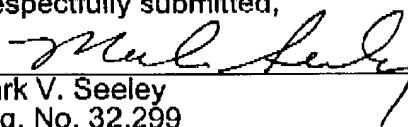
In the office action mailed August 24, 2004, the examiner concluded that applicants must elect a single disclosed species from the 13 listed in claim 21 (i.e., hafnium oxide, lanthanum oxide, zirconium oxide, zirconium silicon oxide, titanium oxide, tantalum oxide, barium strontium titanium oxide, barium titanium oxide, strontium titanium oxide, yttrium oxide, aluminum oxide, lead scandium tantalum oxide, and lead zinc niobate). Applicants admit that these 13 disclosed species are not patentably distinct. Given that admission, applicants respectfully request the examiner to withdraw the restriction requirement.

If, despite this admission, the examiner continues to maintain the restriction requirement, applicants elect hafnium oxide as the single disclosed

species to be examined along with the invention of claim 21. This election is accompanied by a complete listing of all claims in the application.

Respectfully submitted,

Dated: September 8, 2004

  
\_\_\_\_\_  
Mark V. Seeley  
Reg. No. 32,299

Intel Corporation  
Mail Stop SC4-202  
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Santa Clara, CA 95052-8119  
(408) 765-7382

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